

MINUTES
LEGISLATIVE ISSUES COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 SOUTH IH-35, BOARD ROOM, AUSTIN, TX
NOVEMBER 29, 2012 – 9:00 AM

CALL TO ORDER. James “Jim” Greer, P.E., Committee Chair called the Legislative Issues Committee meeting to order at 9:00 am on November 29, 2012, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX 78741 (All votes are unanimous, unless otherwise noted).

1. Roll call and welcome visitors.

James “Jim” Greer, P.E.	Chair
Gary Raba, D. Eng., P.E.	Member (excused absence)
Edward Summers, Ph.D.	Member
Elvira Reyna	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General was present to provide legal counsel to the Board. Mr. Edmundo Gonzalez, Jr., P.E., and Mr. Jose I. Guerra, P.E., Emeritus Board Members were present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, MPA	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Dewey Helmcamp, III JD	Staff Attorney
Jeff Mutscher	Director of Finance
Dorothy Gonzales	Executive Assistant

Visitors. Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Doug Bell, P.E., TSPE; Peyton McKnight, American Council of Engineering Companies (ACEC).

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING (AGENDA ITEMS 3-9):

3. Discuss and possibly approve the August 16, 2012, Legislative Issues Committee Minutes.

It was MOVED/SECONDED (Reyna/Summers) to approve the August 16, 2012, Legislative Committee minutes as submitted. A vote was taken and MOTION PASSED.

4. Legal Counsel Report.

- **Committee Meetings.** Ms. Mohan reported that a Governmental body may hold a meeting via teleconference if the meeting is held by an advisory committee. As long as it is comprised of less than a quorum of the Board a teleconference can occur between Board meetings.
- **Lobbying; board and staff responsibility and permission.** Board members are not prohibited from lobbying the Legislature on behalf of the Board or agency even if they use their authority as Board members to do so. However, the Board member should be mindful of the number of limitations on their activities because the agency may not use appropriated money to lobby the Legislature. The Board member should avoid seeking reimbursement for his/her expenses incurred from lobbying activities (example: meals and/or travel expenses).

These expenses must be paid by the Board member in order to be in compliance with the law. The Board member should be aware of the general provisions regarding lobbyists to register with the Ethics Commission, in particular the \$500 per calendar quarter limitation on expenditures for non-registered lobbyists. The Board member should not engage in lobbying that involves partisan or electoral politics which includes candidate races. Dr. Summers asked if this meant that a Board member could not actively campaign for any member of the Legislature. Ms. Mohan said not in the capacity as a Board member.

Mr. Greer asked Mr. Kinney to summarize and discuss further with Dr. Bennett, , Board Chair, then disperse to Board members.

5. Report on Legislative Issues.

Mr. Kinney commented that Mrs. Pipho has been reviewing all the bills that are being pre-filed, and she is also the first point of contact for the agency. Mrs. Pipho said that a summary of the current pre-filed bills are included as an exhibit. She summarized the process of how all the bills are tracked, and how word-search is used. Currently six bills are being tracked, two of which were filed by Representative Callegari; one is related to Sunset provisions, and the other is related to occupational licensing. The bill related to licensing is intended to ensure that the licensing of occupations does not impede people's ability to do their job and that regulation is not overly burdensome. Dr. Summers commented that the URLs were not on the bill report so he could not access the bills, and asked if staff has reviewed them to the extent as they could be characterized supportive or non-supportive. Mr. Kinney commented that the text could be provided upon request or any format the Committee would like to receive. Mr. Kinney added that the tracked bills are not flagged to show if the Board is for or against the bill. She explained that the Board does not select to a position on a bill so it does not appear to be lobbying. Mr. Greer said that the position would be helpful to everyone to show if there was neutral impact, departmental impact, or should there be concern. Mrs. Reyna added that a "red flag" would also help..

Mrs. Pipho also mentioned that the important legislative dates were included as an exhibit.

Mr. Kinney asked the Committee members to report any bills they hear or are concerned about and they will be added to the list.

6. Report on the 8th Annual Legislative Communication Conference.

Mrs. Pipho commented that a summary of the conference was provided as an exhibit. The conference is intended to foreshadow issues of importance for everyone to be aware of. Mrs. Reyna added that it was very informative, and the legislators in attendance presented very well and provided tips on how to address the Legislators.

7. Discuss and possibly act on the funds transferred to the Education Foundation School fund.

Mr. Kinney said that this item was in response to a question about scholarships and how the \$200 portion of the licensing fee is apportioned. Mr. Mutscher commented that licensees are required by statute to pay a \$200 fee if they meet certain criteria; and the statutes also designates \$50 of the \$200 be deposited to the Foundation School Fund. This is a separate fund in the Comptroller's system. The Texas Education Agency administers the Foundation School Fund. The process is TBPE deposits the entire \$200 to General Revenue Fund 1, the Comptroller sweeps it from that appropriation to another then the Texas Education Agency is able to transfer the appropriate amount to the Foundation School Fund. The process was reviewed by the State Auditor's office and by Sunset, and confirmed each time by the manager of fiscal integrity at the Comptroller's office. TBPE is following the right process. This is to clarify that this is not a scholarship that TBPE administers.

8. Sunset Review Update.

Mrs. Pipho reported that the Sunset hearing was held November 13, and there will be an additional one on December 18. The November 13th hearing allowed public comment and allowed the agencies to provide comments. The recommendations by Sunset include: continuing the agency and the Self-Directed Semi-Independent Pilot Project; moving the Sunset date to six years from now instead of twelve and reviewing the agency simultaneously with the Texas Department of Licensing and Regulation; recommendation for a one-time fingerprinting for criminal history background check for all new and current engineers; granting the agency more enforcement authority including a \$5,000 maximum penalty as well as cease-and-desist authority for unlicensed practice as well as summary suspension allowing immediate suspension in case of harm by a licensee. Mr. Kinney mentioned that the Board's responses are included as an exhibit. The Architects and Accountancy Boards were also at the hearing. The Board's responses to the Committee took approximately 5 minutes. There were two individuals presenting public comments on the TBPE report: Mrs. Carol Hemphill and Mr. T. June Melton, P.E. Dr. Summers attended the hearing and he commented that he was impressed by the presentation made by Dr. Bennett and Mr. Kinney. He added that Dr. Bennett's comments added a lot in the eyes of the Sunset Commission to the content of what we said. He felt very proud and agrees that we do not need the fingerprinting provision. Mr. Guerra asked if the fingerprinting was also going to be required by the Architects. Mr. Kinney responded that he believes it is. Dr. Summers added that he believes it will be added to all professional licenses. Dr. Wong asked when the official date on the recommended Sunset review. Mrs. Pipho responded that it will be at the December 18 meeting. Mr. Kinney explained that the Accountancy Board was being reviewed under SDSI, they will have the agency review in two years.

9. Issues for future consideration and schedule next committee meeting.

Adjourn.

It was MOVED/SECONDED (Summers/Reyna) to adjourn the meeting at 9:28 am. A vote was taken and the MOTION PASSED.

Date Committee approved as submitted:

February 14, 2013

Date Board accepted:

February 14, 2013